

Appl. No. 10/707,261  
Amdt. dated November 19, 2004  
Reply to Office action of October 19, 2004

### REMARKS/ARGUMENTS

Claims 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu (US 6,552,382). Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6,368,912) in view of Wu (US 6,552,382) and Manley (US 6,222,735).

In order to more particularly point out and distinctly claim that which applicant regards as his invention, the independent claims 1 and 8 have been amended based on the originally filed specification and figures 6-14. No new matter is introduced. Reconsideration of the amended claims 1 and 8 are politely requested.

10 In particular, claims 1 and 8 are amended to emphasize that a "non-annular buried strap out diffusion" is formed. Applicant believes that none of the cited prior art documents teaches the limitation: "dopants of said third polysilicon layer diffuse out to the surrounding substrate that is not masked by said single-sided spacer to form a non-annular buried strap out diffusion" as required in the amended claims 1 and 8. As  
15 claims 2-7 are dependent upon the once-amended claim 1, they should be allowable if claim 1 is allowed. As claims 9-10 are dependent upon the once-amended claim 8, they should be allowable if claim 8 is allowed. Reconsideration of claims 2-7 and 9-10 is therefore requested.

20 Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,

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